

Commodity	Parts per million
Almonds, hulls .....	0.05
Avocados .....	0.05
Citrus fruits .....	0.05
Figs .....	0.05
Kiwifruits .....	0.05
Nuts .....	0.05
Olives .....	0.05
Pistachios .....	0.05
Pome fruits .....	0.05
Pomegranates .....	0.05
Small fruits .....	0.05
Stone fruits .....	0.05

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[FR Doc. 95-1187 Filed 1-17-95; 8:45 am]

BILLING CODE 6560-50-F

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-1, RM-8527]

#### Radio Broadcasting Services; Hamilton, Montana

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Benedict Communicatins, Inc. proposing the allotment of Channel 251C3 to Hamilton, Montana, as that community's second FM broadcast service. The coordinates for Channel 251C3 are 46-14-36 and 114-09-30. Canadian concurrence will be requested for this allotment.

**DATES:** Comments must be filed on or before March 6, 1995, and reply comments on or before March 21, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: James R. Bayes, Jerry V. Haines, Wiley, Rein & Fielding, 1776 K Street, NW, Washington, D. C. 20006.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-1, adopted January 4, 1995, and released January 12, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision

may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, D.C. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-1156 Filed 1-17-95; 8:45 am]

BILLING CODE 6712-01-F

### 47 CFR Part 73

[MM Docket No. 95-2; RM-8502]

#### Radio Broadcasting Services; Charlotte Amalie, Virgin Islands

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Virgin Islands Youth Development Radio, Inc., proposing the allotment of Channel 275A at Charlotte Amalie, Virgin Islands, and its reservation for noncommercial educational use. Channel 275A can be allotted to Charlotte Amalie in compliance with the Commission's minimum distance separation requirements with the imposition of a site restriction of 10.6 kilometers (6.6 miles) northwest. The coordinates for Channel 275A at Charlotte Amalie are North Latitude 18-21-20 and West Longitude 64-01-45.

**DATES:** Comments must be filed on or before March 6, 1995, and reply comments on or before March 21, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Leo Morone, President,

Virgin Islands Youth Development Radio, Inc., P.O. Box 2477, St. Thomas, Virgin Islands 00803 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-2, adopted January 4, 1995, and released January 12, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-1157 Filed 1-17-95; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Notice of 90-day Finding on the Petition To List the Sturgeon Chub and Sicklefin Chub as Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the sturgeon

chub (*Macrhybopsis gelida*) and sicklefin chub (*Macrhybopsis meeki*) as endangered under the Endangered Species Act of 1973, as amended. The Service finds that with the petition and additional available information there is substantial information provided to indicate that listing the two species as endangered may be warranted.

**DATES:** The finding announced in this document was made on December 29, 1994. To be considered in the 12-month finding for this petition, information and comments should be submitted to the Service by April 18, 1995.

**ADDRESSES:** Data, information, comments, or questions concerning this petition should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, 1500 East Capitol Avenue, Bismarck, North Dakota 58501. The petition finding, supporting data, and comments are available for public inspection, but appointment, during normal business hours, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mark Dryer, biologist, at the above address or telephone (701) 250-4491.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and a notice regarding the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service also is required to promptly commence a review of the status of the species involved if one has not already been initiated under the Service's internal candidate assessment process.

The Service initiated a status review for the sturgeon chub (*Macrhybopsis gelida*) and sicklefin chub (*Macrhybopsis meeki*) when it categorized the two species as category 2 candidate species in the 1991 Animal Notice of Review (56 FR 58804). This notice meets the requirement that a notice be published for a 90-day finding made earlier for the petition discussed below.

On August 8, 1994, the Service received a petition dated August 4,

1994, that was submitted by the Environmental Defense Fund and was jointly signed by American Rivers, Mni Sose Intertribal Water Rights Coalition, National Audubon Society, and Nebraska Audubon Council to list the sturgeon chub and sicklefin chub as endangered pursuant to the Act. The petitioners assert that the sturgeon chub and sicklefin chub populations should be listed as endangered species because of the species' inability to adapt to human-induced alterations of the Missouri River. They indicate that sturgeon chub and sicklefin chub are physically adapted through evolution to live in a turbid, swift flowing river. Alterations described by the petitioner include impoundments, channelization, and removal of snags. The petitioners indicate that those alterations have detrimentally impacted the fishes' spawning and feeding habitat by changing the natural hydrograph and water temperatures, short-stopping movement of sediment which reduced turbidity, and reducing the amount of organic matter in the Missouri River (Hesse 1994).

The sturgeon chub and sicklefin chub are both endemic to the mainstem and large tributaries of the Missouri River and Mississippi River. The sicklefin chub has historically been located in 13 States—Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Tennessee. Current populations have only been recorded in the States of Missouri, Nebraska, Montana, and North Dakota (USFWS 1993b). The sturgeon chub has historically been located in the above 13 States plus Wyoming. Current populations have only been recorded in States of Missouri, Montana, Nebraska, North Dakota, and Wyoming (USFWS 1993a).

##### Listing Factors

The following is a summary and discussion of the five listing criteria as set forth in section 4(a)(1) of the Act and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act and their applicability to the current status of the sturgeon chub and sicklefin chub.

**A. The present or threatened destruction, modification, or curtailment of the species habitat or range.** Water development projects have impacted sturgeon chub and sicklefin chub populations as described by the petitioners. Reservoirs flooded river habitat, altered temperature and flow regimes, and reduced sediment transport and turbidity. Dams fragmented populations and restricted

movement. Channelization straightened and narrowed river habitat, reduced habitat diversity, and reduced overbank flooding. Pollution and water depletion from industry and agriculture may have altered water quality. Sand and gravel extraction operations have removed habitat and restricted fish movement in some areas.

Future water depletions are likely to result from energy developments in the Upper Missouri River Basin. Other water demands may result from interbasin diversions and increased municipal, industrial, and irrigation usage. Dredging for channel maintenance and sand/gravel extraction will continue in new areas.

**B. Overutilization for commercial, sporting, scientific, or educational purposes.** None known. However, removal of individuals from the wild could have and may continue to be occurring from harvest of bait fish.

**C. Disease or predation.** No diseases are currently known to threaten the species. Predation has likely increased over historic levels due to stockings of piscivorous fish into the reservoirs and remaining riverine sections. Future introductions of nonnative fish and other organisms may threaten sturgeon chub and sicklefin chub through predation.

**D. Inadequacy of existing regulatory mechanisms.** Federal Category 1 candidate species status provides no legal protection for the species. Sturgeon chub are classified as either threatened or endangered by Kansas and South Dakota and as a species of special concern by Kentucky, Missouri, Montana, Nebraska, North Dakota, Wyoming, and Tennessee. There is no classification on sturgeon chub by Arkansas, Iowa, Illinois, Louisiana, and Mississippi. Sicklefin chub are classified as either threatened or endangered by Kansas and South Dakota and as a species concern by Kentucky, Missouri, Montana, Nebraska, North Dakota, and Tennessee. There is no classification on sicklefin chub by Arkansas, Iowa, Illinois, Louisiana, and Mississippi.

**E. Other natural or manmade mechanisms.** Severe drought in the early 1990's may have eliminated sturgeon chub from some Missouri River tributaries and may reoccur and impact additional tributary populations. Sturgeon chub populations in the mainstem Missouri River may be too small and too widespread to naturally recolonize these tributaries even though suitable habitat may still exist in them. Tributaries that now flow into reservoirs may never naturally recolonize. Similar impacts may have occurred to sicklefin

chub populations, but it has been reported (USFWS 1993a, 1993b).

Pressures on both species likely resulted from the competition created by stocking large numbers of numerous species of nonnative fish into reservoirs that were created and the remaining riverine sections of historical habitat. This perceived competition is likely still occurring and will continue in the future.

### Finding

The Service has reviewed the petition, as well as other available information, published and unpublished studies and reports, and agency files. On the basis of the best scientific and commercial information available, the Service finds that there is sufficient information to indicate that the petitioned action may be warranted. The Service believes that the reduced distribution of the two chubs is due mainly to the destruction and modification of habitat and predation and competition from

nonnative fish as described above under the listing factors.

The Service's 90-day finding contains more detailed information regarding the above decisions. A copy may be obtained from the Service's Bismarck Office (see ADDRESSES above).

### References Cited

- Hesse, L.W. 1994. The status of Nebraska fishes in the Missouri River, selected chubs and minnows: sicklefin chub, sturgeon chub, flathead chub, silver chub, speckled chub, plains minnow, and Western silvery minnow. Transactions of the Nebraska Academy of Sciences, Vol. 21, in print.
- U.S. Fish and Wildlife Service (USFWS). 1993a. Status report on sicklefin chub (*Macrhybopsis meeki*), a candidate endangered species. U.S. Fish and Wildlife Service, Bismarck, North Dakota. 41 pp.
- U.S. Fish and Wildlife Service (USFWS). 1993b. Status report on sturgeon chub (*Macrhybopsis gelida*), a candidate endangered species. U.S. Fish and Wildlife Service, Bismarck, North Dakota. 58 pp.

Author: This document was prepared by Mark Dryer (see ADDRESSES section).

**Authority:** The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531–1544 *et seq.*).

Dated: December 29, 1994.

**Mollie H. Beattie,**

*Director, U.S. Fish and Wildlife Service.*

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